

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Blue Spike, LLC,

*Plaintiff,*

v.

Texas Instruments, Inc., et al.,

*Defendants.*

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

---

Blue Spike, LLC,

*Plaintiff,*

v.

Vercury, Inc.,

*Defendant.*

CASE NO. 6:12-CV-534 MHS

CONSOLIDATED CASE

Jury Trial Demanded

**AGREED MOTION TO DISMISS VERCURY, INC.**

Plaintiff Blue Spike, LLC, on the one hand, and Defendant Vercury, Inc., on the other, have reached a settlement of the above-captioned matter and have agreed to dismiss the claims, counterclaims, and causes of action between them.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Blue Spike, LLC stipulates to the dismissal without prejudice of all claims and causes of action asserted in this case against defendant Vercury, Inc., and defendant Vercury, Inc. stipulates to the dismissal without prejudice of all counterclaims and defenses asserted in this case against Blue Spike, LLC. The parties shall bear their own attorneys' fees, expenses and costs.

By: /s/ Randall T. Garteiser  
Randall T. Garteiser  
Lead Attorney  
Texas Bar No. 24038912  
rgarteiser@ghiplaw.com  
Christopher A. Honea  
Texas Bar No. 24059967  
chonea@ghiplaw.com  
Christopher S. Johns  
Texas Bar No. 24044849  
cjohns@ghiplaw.com  
GARTEISER HONEA, P.C.  
218 North College Avenue  
Tyler, Texas 75702  
(903) 705-0828  
(903) 526-5477 fax

Kirk J. Anderson  
California Bar No. 289043  
Peter S. Brasher  
California Bar No. 283992  
GARTEISER HONEA, P.C.  
44 North San Pedro Road  
San Rafael, California 94903  
(415) 785-3762  
(415) 785-3805 fax

By: /s/ Ian Feinberg  
Ian Feinberg  
FEINBERG DAY ALBERTI &  
THOMPSON, LLP  
1600 El Camino Real, Suite 280  
Menlo Park, CA 94025  
United States  
D +1 650.618.4364  
F +1 650.618.4368  
ifeinberg@feinday.com

*Counsel for Defendant  
Vercury, Inc.*

***ATTORNEYS FOR BLUE SPIKE, LLC***

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email.

/s/ Randall T. Garteiser